

Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on **Elections and Apportionment**, to which was referred Senate Bill 267, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 elections.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 2-5-1.1-12 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2001]: **Sec. 12. (a) The definitions in IC 1-1-3.5 and IC 3-5-2**
- 8 **apply throughout this section.**
- 9 **(b) As used in this section, "committee" refers to the census data**
- 10 **advisory committee established by IC 2-5-19.**
- 11 **(c) As used in this section, "council" refers to the legislative**
- 12 **council established by section 1 of this chapter.**
- 13 **(d) As used in this section, "GIS" refers to the geographic**
- 14 **information system that the office is required to establish and**
- 15 **maintain under subsection (g)(9).**
- 16 **(e) As used in this section, "office" refers to the office of census**

1 data established by subsection (f).

2 (f) The office of census data is established within the legislative
3 services agency.

4 (g) The office shall do the following:

5 (1) Advise and assist the Bureau of the Census and the
6 committee in defining the boundaries of census blocks in
7 Indiana.

8 (2) Advise and assist the committee in coordinating the state's
9 efforts to obtain an accurate population count in each federal
10 decennial census.

11 (3) Work with other state and federal agencies to assist in the
12 Census Bureau's local review program conducted in Indiana.

13 (4) Participate in national associations of state governments
14 to obtain information regarding census count activities
15 conducted by other states.

16 (5) Advise and assist the committee in the preparation and
17 organization of decennial census data for use in congressional
18 and state legislative redistricting.

19 (6) Work with political subdivisions following each decennial
20 census to provide information and assistance concerning
21 special censuses, special tabulations, and corrected population
22 counts.

23 (7) Work with the election division, state agencies, and
24 political subdivisions to maintain accurate information
25 concerning the boundaries of precincts and political
26 subdivisions.

27 (8) Provide technical assistance to counties, the election
28 commission, and the election division to comply with Indiana
29 law concerning precinct establishment (as defined in
30 IC 3-11-1.5-1).

31 (9) Establish and maintain a geographic information system
32 that contains the boundaries of all precincts, legislative
33 districts, and congressional districts. The geographic
34 information system may contain other boundaries and
35 information as determined by the executive director of the
36 legislative services agency or as required by the council.

37 (10) Perform other census and mapping research as
38 determined by the executive director of the legislative services

agency or as required by the council.

(h) The office shall provide the election division a network connection to the GIS. The network connection must do the following:

(1) Provide the election division with read access to the GIS.

(2) Enable the election division to download any information, including maps, contained in the GIS.

(i) The election division is the agency through which public access to information contained in the GIS shall be provided.

SECTION 2. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 33.9. "Office" refers to the office of census data established by IC 2-5-1.1-12.**

SECTION 3. IC 3-5-2-50.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 50.1. "Voter identification number" refers to any of the following numbers chosen by a voter:**

(1) The voter's driver's license number issued under IC 9-24-11.

(2) The voter's identification card number issued under IC 9-24-16.

SECTION 4. IC 3-6-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 17. (a)** Each county election board shall submit a report to the election division after each primary, special, municipal, and general election describing the activities of the board during the previous year. The board shall include the following in the report:

(1) Information relating to the expenses of office maintenance and elections within the county or political subdivisions within the county.

(2) A copy of the statement of the county election board containing the votes cast for each candidate and on each public question in each precinct at the last election preceding the submission of the report.

(3) Any additional information relating to elections that the commission prescribes.

(b) The report described in subsection (a) must be postmarked or hand delivered to the election division not later than fourteen (14) days

1 after each election.

2 **(c) The election division shall send a copy of each report to the**
 3 **office not later than ten (10) days after receiving the report.**

4 SECTION 5. IC 3-7-26-7 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2001]: Sec. 7. The circuit court clerk or board
 6 of registration shall provide the following information in a format
 7 prescribed by the commission for each voter who is registered in the
 8 county:

9 (1) Name.

10 (2) Address, in the form of:

11 (A) a physical address, in a city or town where a street address
 12 is insufficient to provide United States Postal Service delivery;
 13 and

14 (B) a mailing address, as recognized by the local United States
 15 Postal Service office, including city or town, state, and zip
 16 code;

17 in separate data fields, according to commission formatting
 18 standards.

19 (3) Date of birth.

20 (4) Township.

21 (5) Ward, if applicable.

22 (6) Precinct.

23 (7) State senate district and house of representatives district.

24 (8) Congressional district.

25 (9) Gender.

26 (10) Telephone number, if available.

27 (11) Voting history for the previous ten (10) year period if
 28 available.

29 (12) A unique field established for each registered voter, so that
 30 future submissions may be linked and cross-referenced with
 31 previous data submitted by the county.

32 (13) Date of registration.

33 **(14) Voter identification number.**

34 SECTION 6. IC 3-7-31-1 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** The commission shall
 36 prescribe the forms required or permitted under NVRA or this article.

37 **(b) The election division shall make the forms available on the**
 38 **website maintained by the election division. A form must be made**

1 **available so that an individual can download the form for**
 2 **completion.**

3 SECTION 7. IC 3-7-31-5 IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2001]: Sec. 5. The registration forms prescribed
 5 under section 1 of this chapter must:

- 6 (1) provide for the residence address and the mailing address of
- 7 the individual completing the forms;
- 8 (2) contain a statement that a notice of disposition of the person's
- 9 registration application will be mailed to the mailing address of
- 10 the individual; and
- 11 (3) ~~request the Social Security~~ **require the applicant to provide**
- 12 **the applicant's voter identification** number. ~~of the applicant, as~~
- 13 ~~permitted under the federal Privacy Act of 1974 (5 U.S.C. 552a).~~

14 SECTION 8. IC 3-7-45-2 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Not later than:

- 16 (1) January 31;
- 17 (2) April 30;
- 18 (3) July 31; and
- 19 (4) October 31;

20 of each year the state department of health ~~each county health officer,~~
 21 ~~and each municipal health officer~~ shall submit a report to the ~~circuit~~
 22 ~~court clerk or board of registration of the county.~~ **election division**
 23 **electronically in a format prescribed by the commission.**

24 (b) The state department of health shall report to ~~each~~ **the election**
 25 **division, by** county, the names, ages, and known residence addresses
 26 of all persons who:

- 27 (1) died within Indiana but outside of the county during the
- 28 preceding three (3) months; and
- 29 (2) maintained a residence address within the county during the
- 30 two (2) years preceding the date of death.

31 (c) Each county health officer and municipal health officer shall
 32 report **to the state department of health** the names, ages, and known
 33 voting addresses in the county of all persons:

- 34 (1) who have died within the jurisdiction of the officer; or
- 35 (2) for whom burial permits have been issued by the officer;
- 36 during the previous three (3) months. **The state department of health**
- 37 **shall report this information to the election division.**

38 (d) The state department of health shall report to ~~each~~ **the election**

division, by county, the names, ages, and known residence addresses of all persons:

- (1) who died outside Indiana during the preceding three (3) months;
- (2) who maintained a residence address within the county during the two (2) years preceding the date of death; and
- (3) whose name was supplied to the state department of health under an agreement made under section 5 of this chapter.

SECTION 9. IC 3-7-45-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 8. The NVRA official shall notify the circuit court clerk or board of registration of each respective county of the names of deceased persons obtained under this chapter.**

SECTION 10. IC 3-7-46-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. **(a)** Not later than the second Tuesday of each month, the department of correction shall provide the NVRA official with a list identifying each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a department of correction facility during the previous month.

(b) The department of correction shall provide the information required by this section electronically in a format prescribed by the commission.

SECTION 11. IC 3-10-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. The poll clerks shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) The voter's current residence address.
- (3) The name of the voter's party.

(b) The poll clerks shall:

- (1) request the voter to provide the voter's voter identification number;**
- (2) inform the voter what numbers the voter may use as a voter identification number; and**
- (3) explain to the voter that the voter is not required to**

1 **provide a voter identification number at the polls.**

2 (c) If the voter is unable to sign the voter's name, the voter must sign
3 the poll list by mark, which must be witnessed by one (1) of the poll
4 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
5 poll clerk's or assistant poll clerk's initials after or under the mark.

6 SECTION 12. IC 3-10-1-31 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. (a) The inspector
8 of each precinct shall deliver the bags required by section 30(a) and
9 30(c) of this chapter in good condition, together with poll lists, tally
10 sheets, and other forms, to the circuit court clerk when making returns.

11 (b) Except for unused ballots disposed of under IC 3-11-3-31, the
12 circuit court clerk shall carefully preserve the ballots and other material
13 and keep all seals intact for twenty-two (22) months, as required by 42
14 U.S.C. 1974, after which they may be destroyed unless:

- 15 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
- 16 (2) 42 U.S.C. 1973;

17 requires the continued preservation of the ballots or other material.

18 (c) Upon delivery of the poll lists, the circuit court clerk or board of
19 registration may unseal the envelopes containing the poll lists. For the
20 purposes of:

- 21 (1) a cancellation of registration conducted under IC 3-7-43
22 through IC 3-7-46; or
- 23 (2) a transfer of registration conducted under IC 3-7-39,
24 IC 3-7-40, or IC 3-7-42;

25 the clerk or board may inspect the poll lists and update the registration
26 record of the county. **The clerk or board shall use the poll lists to**
27 **update the registration record to include the voter's voter**
28 **identification number if the voter identification number is not**
29 **already included in the registration record.** Upon completion of the
30 inspection, the poll list shall be resealed and preserved with the ballots
31 and other materials for the time period prescribed by subsection (b).

32 (d) After the expiration of the period described in subsection (b), the
33 ballots may be destroyed in the manner provided by IC 3-11-3-31 or
34 transferred to a state educational institution as provided by
35 IC 3-12-2-12.

36 SECTION 13. IC 3-11-1.5-1.5 IS ADDED TO THE INDIANA
37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. As used in this chapter,**

1 **"GIS" refers to the geographic information system maintained by**
 2 **the office under IC 2-5-1.1-12.**

3 SECTION 14. IC 3-11-1.5-5 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. A county executive
 5 shall establish precincts so that each boundary of each precinct follows:

- 6 (1) a boundary described in section 4 of this chapter;
- 7 (2) a boundary of a town;
- 8 (3) a boundary of a town legislative body district;
- 9 (4) a boundary of a census block established by the Bureau of the
 10 Census and depicted on census block boundary maps filed with
 11 the election division; in the GIS; or
- 12 (5) a boundary of a school corporation that does not follow a
 13 census block line.

14 SECTION 15. IC 3-11-1.5-10.5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.5. (a) This section
 16 applies when the ~~election division~~ office determines that a boundary
 17 depicted on a census block boundary map prepared by the United
 18 States Bureau of the Census is in error.

19 (b) The commission may approve a precinct boundary under this
 20 chapter that follows a corrected boundary as determined by the
 21 commission. The election division shall

22 ~~(+)~~ record this approval in the minutes of the commission. ~~and~~

23 ~~(2) (c) The office shall~~ annotate the corrected boundary ~~line on the~~
 24 ~~census block boundary map retained by the division.~~ **in the GIS.**

25 SECTION 16. IC 3-11-1.5-15 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. The order described
 27 in section 14 of this chapter must include the following:

- 28 (1) A map of each precinct to be established by the proposed
 29 order. **A county may submit maps required by this subdivision**
 30 **in electronic form.**
- 31 (2) A description of the boundaries of each precinct to be
 32 established by the proposed order that identifies any census
 33 blocks located entirely within the precinct.
- 34 (3) An estimated number of voters in each precinct to be
 35 established by the proposed order, based on the registration
 36 records maintained by the circuit court clerk or board of
 37 registration.
- 38 (4) A statement designating a polling place for the precinct that

1 complies with the polling place accessibility requirements
2 adopted by the commission.

3 (5) Any additional information required by rules adopted by the
4 commission under IC 4-22-2.

5 SECTION 17. IC 3-11-1.5-17 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. **(a) The election
7 division shall send a copy of a precinct establishment order:**

8 **(1) submitted under section 14 or 30 of this chapter; or**

9 **(2) resubmitted under section 20 of this chapter;**

10 **to the office for comment.**

11 **(b) The office shall review the order and may make any
12 technical comments the office considers appropriate.**

13 **(c) The co-directors or an employee designated by the co-directors
14 shall examine:**

15 **(1) the proposed precinct establishment order; and**

16 **(2) the comments of the office;**

17 to determine if the order would establish precincts in compliance with
18 this chapter.

19 SECTION 18. IC 3-11-1.5-20.5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20.5. (a) This section
21 applies when:

22 (1) a county executive is advised that a proposed precinct
23 establishment order does not comply with this chapter; and

24 (2) the county executive determines that the noncompliance
25 cannot be corrected by the establishment of a precinct that
26 complies with both:

27 (A) the maximum voter requirement of section 3 of this
28 chapter; and

29 (B) the precinct boundary requirements of section 5 of this
30 chapter.

31 (b) The county executive may request the commission to grant an
32 exemption from the precinct boundary requirements of section 5 of this
33 chapter to establish a precinct boundary described by this section.

34 (c) The commission shall conduct a hearing on the exemption
35 request. If the commission determines that the noncompliance cannot
36 be corrected by the establishment of a precinct that complies with both:

37 (1) the maximum voter requirement of section 3 of this chapter;
38 and

(2) the precinct boundary requirements of section 5 of this chapter;
 the commission shall grant the exemption. **However, the commission may not grant an exemption that violates section 4(1), 4(5), 4(6), or 4(7) of this chapter.**

(d) If the commission grants the exemption, the county executive shall amend the proposed precinct establishment order described by section 19 of this chapter to establish precinct boundaries:

(1) in accordance with the exemption granted by the commission;

and

(2) that comply with all other requirements established by this chapter.

(e) The proposed precinct establishment order described in subsection (d) must include a description in metes and bounds of the boundaries authorized by the exemption granted under this section.

SECTION 19. IC 3-11-1.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) The county executive shall file a copy of the order issued under section 22 of this chapter with the co-directors not later than seven (7) days after its issuance.

(b) The co-directors shall send a copy of the order to the office not later than seven (7) days after the co-directors receive the order.

SECTION 20. IC 3-11-1.5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. (a) The precinct establishment order becomes effective on the ~~date specified by the commission in its order approving the precinct establishment order. If no date is specified in that order, the precinct establishment order becomes effective on the first date permitted under section 25 of this chapter.~~

~~(b) This subsection applies after December 1, 1998. The commission's order does not become effective until an election division employee designated by the co-directors certifies to the commission that the proposed precinct boundary establishment order has been fully documented on the geographic information system maintained by the election division that sets forth the existing boundaries of all Indiana precincts: first date permitted under section 25 of this chapter.~~

(b) The office shall notify the co-directors of the date the new

precinct boundaries were entered into the GIS not later than seven (7) days after the new precinct boundaries are entered into the GIS.

SECTION 21. IC 3-11-1.5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. A precinct establishment order may not become effective during the following periods:

(1) In a year in which ~~precinct committeemen are elected under IC 3-10-1-4.5;~~ **a general election is held**, the period beginning on the first day that a declaration of candidacy may be filed under IC 3-8-2-4 and ending the day following general election day.

~~(2) After January 31 and before the day following general election day, in a year (other than a year described in subdivision (1)) in which a general election is held.~~

~~(3)~~ **(2)** For precincts located wholly or partially within a municipality, after January 31 and before the day following municipal election day, in a year in which a municipal election is held.

~~(4) Beginning January 1 of the year in which a federal decennial census is taken and ending May 1 of the second year following the year in which the decennial census is taken, unless:~~

~~(A) the general assembly elected during the year in which the decennial census is taken enacted laws providing for the apportionment of Indiana into districts for the election of United States Representatives; senators in the general assembly; and representatives in the general assembly; and~~

~~(B) all of the laws described in clause (A) take effect before May 1 of the second year following the year in which the decennial census is taken.~~

If the conditions described in clauses (A) and (B) are met, then the period ends on the latest effective date of any of the laws described in clause (A).

SECTION 22. IC 3-11-1.5-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34. **(a)** A county executive may issue an order to rename or renumber precincts without establishing new precinct boundaries. An order issued under this section becomes effective when it is filed with the co-directors.

(b) The co-directors shall send a copy of the order to the office.

SECTION 23. IC 3-11-1.5-35, AS AMENDED BY P.L.1-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) This section applies to a county that has a precinct that crosses a boundary in violation of section 4(5), 4(6), or 4(7) of this chapter.

(b) Notwithstanding section 25 of this chapter, if the county does not issue a precinct establishment order that establishes precincts in compliance with section 4(5), 4(6), and 4(7) of this chapter by the January 31 following the last effective date described in section 25(3) of this chapter, the commission may issue an order establishing precincts as provided under subsection (c).

(c) An order issued by the commission under this section must ~~(1) comply with section 4(5), 4(6), and 4(7) of this chapter. and~~ ~~(2) be issued after January 31 and before February 16 of the year following the last effective date described in section 25(4) of this chapter.~~

(d) The co-directors shall send a copy of the commission's order to the office.

SECTION 24. IC 3-11-1.5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 37. (a) The co-directors shall notify the office of any errors found in the precinct boundaries depicted in the GIS.**

(b) The office and the co-directors shall cooperate to resolve any errors found in the GIS.

SECTION 25. IC 3-11-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) At the extreme top of a poll list sheet the heading "VOTERS POLL LIST" should appear, followed by the following information:

- (1) The type of election.
- (2) The date of the election.
- (3) The name of the precinct, township (or ward), and county.

(b) Following the information required in subsection (a), the following headings should appear from left to right on each sheet:

- (1) "Signature of Voter".
- (2) "Address of Voter".
- (3) **"Voter Identification Number (Optional)".**
- (4) **"If any voter shows his or her ballot after being marked, or by**

1 accident mutilates or defaces his or her ballot, note it in this
2 column. Also note any other irregularity in this column."

3 SECTION 26. IC 3-11-8-25 IS AMENDED TO READ AS
4 FOLLOWS[EFFECTIVE JULY 1, 2001]: Sec. 25. (a) After a voter has
5 passed the challengers or has been sworn in, the voter shall be admitted
6 to the polls. Upon entering the polls, the voter shall announce the
7 voter's name to the poll clerks or assistant poll clerks. A poll clerk, an
8 assistant poll clerk, or a member of the precinct election board shall
9 require the voter to ~~sign~~ **write the following** on the poll list:

10 (1) The voter's name. ~~and~~

11 (2) ~~The voter's current residence address. of residence.~~

12 (b) **The poll clerk, an assistant poll clerk, or a member of the**
13 **precinct election board shall:**

14 (1) **request the voter to provide the voter's voter identification**
15 **number;**

16 (2) **inform the voter what numbers the voter may use as a**
17 **voter identification number; and**

18 (3) **explain to the voter that the voter is not required to**
19 **provide a voter identification number at the polls.**

20 (c) This subsection does not apply to a precinct in a county with a
21 computerized registration system whose inspector was:

22 (1) furnished with a list certified under IC 3-7-29; and

23 (2) not furnished with a certified photocopy of the signature on
24 the affidavit of registration of each voter of the precinct for the
25 comparison of signatures under this section.

26 In case of doubt concerning a voter's identity, the precinct election
27 board shall compare the voter's signature with the signature on the
28 affidavit of registration or any certified copy of the signature provided
29 under IC 3-7-29. If the board determines that the voter's signature is
30 authentic, the voter may then vote. If either poll clerk doubts the voter's
31 identity following comparison of the signatures the poll clerk shall
32 challenge the voter in the manner prescribed by section 21 of this
33 chapter.

34 ~~(c)~~ (d) If, in a precinct governed by subsection ~~(b)~~: (c):

35 (1) the poll clerk does not execute a challenger's affidavit; or

36 (2) the voter executes a challenged voter's affidavit under section
37 22 of this chapter or had executed the affidavit before signing the
38 poll list;

1 the voter may then vote.

2 SECTION 27. IC 3-11-8-26 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 26. **(a)** If a voter:

- 4 (1) cannot sign; or
5 (2) is a voter with a disability that makes it difficult for the voter
6 to sign;

7 the voter's name and address, the poll clerks shall, by proper
8 interrogation, satisfy themselves that the voter is the person the voter
9 represents the voter to be.

10 **(b)** If satisfied as to the voter's identity **under subsection (a)**, one
11 (1) of the poll clerks shall then place **the following** on the poll list:

- 12 **(1)** The **voter's** name. ~~of the voter and~~
13 **(2)** The voter's current **residence** address. ~~of residence.~~

14 **(c) The poll clerks shall:**

- 15 **(1) request the voter to provide the voter's voter identification**
16 **number;**
17 **(2) inform the voter what numbers the voter may use as a**
18 **voter identification number; and**
19 **(3) explain to the voter that the voter is not required to**
20 **provide a voter identification number at the polls.**

21 **(d)** The poll clerk shall then add the clerk's initials in parentheses,
22 after or under the signature. The voter then may vote.

23 SECTION 28. IC 3-12-5-1 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Whenever a
25 candidate is elected to a local office that is commissioned by the
26 governor under IC 4-3-1-5, the circuit court clerk shall prepare a
27 statement under the clerk's seal specifying the number of votes received
28 by each candidate for that office.

29 (b) The statement prepared under subsection (a) must also include
30 the number of votes cast for and against the following:

- 31 (1) The ratification of a state constitutional amendment submitted
32 to the electorate.
33 (2) The retention of a justice of the supreme court or a judge of
34 the court of appeals or tax court.
35 (3) Each candidate who was declared elected by the county
36 election board under IC 3-12-4-9.

37 (c) The clerk shall send or hand deliver the statement to the election
38 division not later than noon on the Monday following election day.

(d) The election division shall tabulate the votes received under this section. Not later than the second Friday after the election, the secretary of state shall issue a certificate certifying the following:

- (1) Each state constitutional amendment ratified or rejected.
- (2) Each justice or judge retained or removed.

(e) The election division shall provide a copy of a certificate described by:

- (1) subsection (d)(1) to the chief justice of the Indiana supreme court and the director of the office of code revision of the legislative services agency; and
- (2) subsection (d)(2) to the chief justice of the state.

(f) The election division shall provide a copy of all statements received under this section to the office.

SECTION 29. IC 3-12-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Not later than noon on the Monday following an election for governor and lieutenant governor, each circuit court clerk shall prepare a certified statement under the clerk's seal showing the number of votes each candidate received. The clerk shall transmit the statement to the election division. The election division shall deliver:

- (1) the statement to the speaker of the house of representatives before the date described in subsection (b); and**
- (2) a copy of each statement to the office.**

(b) The house of representatives and the senate shall meet in joint convention not later than the date specified in Article 5, Section 9 of the Constitution of the State of Indiana for the commencement of the term of the governor and the lieutenant governor to hear the canvass of votes cast for governor and lieutenant governor.

(c) The joint convention shall act to resolve any:

- (1) tie vote, as required under Article 5, Section 5 of the Constitution of the State of Indiana; or
- (2) contest under Article 5, Section 6 of the Constitution of the State of Indiana.

(d) The joint rules that governed the house of representatives and senate before the general election govern the joint convention until those rules are amended as provided in those rules.

(e) After resolving any tie or contest, the presiding officer of the joint convention shall certify to the convention that the individuals

receiving the most votes according to the canvass have been elected governor and lieutenant governor.

SECTION 30. IC 3-12-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Not later than noon on the Monday following an election, each circuit court clerk shall prepare a certified statement under the clerk's seal of the number of votes received by each candidate for:

(1) federal office;

(2) state office;

(3) legislative office; and

(4) a local office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.

(b) The clerk shall send the statements by certified mail, return receipt requested, or hand deliver the statements to the election division.

(c) The election division shall provide a copy of each statement to the office.

SECTION 31. IC 3-12-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) If, not later than the final date and hour for filing a recount or contest petition under IC 3-12, a circuit court clerk files a correction with the election division that amends a certified statement under section 6 of this chapter and the amendment results in a different candidate receiving the highest number of votes for an office, the election division shall immediately notify the governor **and the office** of the amendment.

(b) If no errors are found by the final date and hour for filing a recount or contest under IC 3-12 and not later than noon on the first Tuesday in December following the election, the governor shall prepare the candidate's commission for each candidate certified under section 7 of this chapter.

(c) Immediately upon preparing the commissions under subsection (b), the governor shall deliver the commissions to the election division. Not later than the second Tuesday in December, the election division shall transmit the commission to each candidate at the address set forth in the declaration of candidacy filed with the division, or to any more recent address furnished to the division by the candidate.

SECTION 32. IC 3-12-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. **(a)** As soon as

practical, but no later than noon on the Monday following an election for a legislative office, each circuit court clerk shall:

- (1) prepare a certified statement under the clerk's seal specifying the number of votes received in the county by each candidate for legislative office; and
- (2) send the statement by certified mail, return receipt requested, or hand deliver the statement to the election division.

(b) The election division shall provide a copy of each statement to the office.

SECTION 33. IC 3-12-6-22, AS AMENDED BY P.L.38-1999, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) When a recount is completed by a commission appointed under this chapter, the commission shall:

- (1) make and sign a certificate showing the total number of votes received in the precincts by each candidate for nomination or election to the office;
- (2) state in its certificate the candidate who received the highest number of votes in the precincts for nomination or election to the office and by what plurality; and
- (3) file its certificate with the circuit court clerk.

(b) The circuit court clerk shall:

- (1) enter the certificate in the order book of the court;
- (2) file a copy of the certificate in the minutes of the county election board; and
- (3) if the recount concerned an office for which a declaration of candidacy must be filed with the election division under IC 3-8-2, file a copy of the certificate with the election division not later than seven (7) days after the date the recount commission filed the certificate with the clerk of the circuit court.

(c) If a certificate is filed with the election division under subsection (b), the election division shall provide a copy of the certificate to the office.

SECTION 34. IC 3-12-6-28, AS AMENDED BY P.L.38-1999, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28. **(a)** A circuit court clerk shall immediately transmit a certificate prepared under section 27 of this chapter showing the votes cast for nomination or election to an office to the election division if the recount concerned an office for which a declaration of

1 candidacy must be filed with the election division under IC 3-8-2.

2 **(b) The election division shall provide a copy of a certificate**
 3 **transmitted to the election division under this section to the office.**

4 SECTION 35. IC 3-12-6-31 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. (a) The circuit
 6 court clerk shall transmit the certificate prepared under section 30 of
 7 this chapter to the election division, the county election board or other
 8 public official authorized by this title to issue:

9 (1) a certificate of nomination under IC 3-8-7;

10 (2) a certificate of election under IC 3-10-7-34 or IC 3-12-5-2; or

11 (3) a commission for the office under IC 4-3-1-5.

12 **(b) The election division shall provide a copy of a certificate**
 13 **transmitted to the election division under this section to the office.**

14 SECTION 36. IC 3-12-8-17.5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17.5. (a) After a special
 16 election ordered under section 17 of this chapter is conducted, the
 17 county election board shall issue a corrected canvass of the votes. The
 18 corrected canvass must substitute the votes cast in the special election
 19 in a precinct for each candidate for the votes cast for that candidate in
 20 that precinct during the contested election. The board shall add the
 21 substituted vote totals to the votes cast for each candidate in each
 22 precinct in which the special election was not conducted.

23 (b) The board or circuit court clerk shall then issue a certificate of
 24 election under IC 3-12-4-9 or IC 3-12-5-2 and file a copy of the
 25 certificate with the election division. If the contest was for an office
 26 commissioned by the governor, the election division shall forward a
 27 copy of the certificate to the governor for the issuance of a commission
 28 under IC 4-3-1-5.

29 **(c) The election division shall provide a copy of the corrected**
 30 **canvass of the votes to the office.**

31 SECTION 37. IC 3-12-11-23 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) If a recount is
 33 made:

34 (1) in a presidential primary election;

35 (2) for nomination to a federal, state, or legislative office in a
 36 primary election;

37 (3) in an election to a federal office; or

38 (4) in an election to a state office other than governor and

lieutenant governor;
 the election division shall determine whether the votes in the precincts shown by the recount certificate differ from the votes that were tabulated by any county election board. If the election division previously included in a tabulation the votes cast for the office as returned by the county election board, the election division shall correct the tabulation in accordance with the certificate.

(b) The election shall provide a copy of the corrected tabulation for each precinct to the office.

SECTION 38. IC 3-12-12-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) This section applies to a recount of:

- (1) a public question concerning the ratification of a state constitutional amendment or the retention of a justice of the Indiana supreme court or judge of the Indiana court of appeals; or
- (2) another public question voted on by the electorate of the entire state.

(b) A circuit court clerk shall immediately transmit a certificate prepared under section 22 of this chapter to the election division.

(c) Upon tabulation of the returns under this section by the election division, the secretary of state shall issue a certificate declaring the public question approved or rejected.

(d) The election division shall provide to the office the results of the recount in each precinct in which a recount was conducted.

SECTION 39. IC 36-4-3-19, AS AMENDED BY P.L.217-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) If disannexation is ordered under this chapter by the works board of a municipality and no appeal is taken, the clerk of the municipality shall, without compensation and not later than ten (10) days after the order is made, make and certify a complete transcript of the disannexation proceedings to the auditor of each county in which the disannexed lots or lands lie and to the office of the secretary of state. The county auditor shall list those lots or lands appropriately for taxation. The proceedings of the works board shall not be certified to the county auditor or to the office of the secretary of state if an appeal to the circuit court has been taken.

(b) In all proceedings begun in or appealed to the circuit court, if vacation or disannexation is ordered, the clerk of the court shall

1 immediately after the judgment of the court, or after a decision on
 2 appeal to the supreme court or court of appeals if the judgment on
 3 appeal is not reversed, certify the judgment of the circuit court, as
 4 affirmed or modified, to **each of the following:**

5 (1) The auditor of each county in which the lands or lots affected
 6 lie, on receipt of one dollar (\$1) for the making and certifying of
 7 the transcript from the petitioners for the disannexation.

8 (2) The office of the secretary of state.

9 (3) The circuit court clerk of each county in which the lands or
 10 lots affected are located.

11 (4) The county election board of each county in which the lands
 12 or lots affected are located. ~~and~~

13 (5) If a board of registration exists, the board of each county in
 14 which the lands or lots affected are located.

15 **(6) The office of census data established by IC 2-5-1.1-12.**

16 (c) The county auditor shall forward a list of lots or lands
 17 disannexed under this section to the following:

18 (1) The county highway department of each county in which the
 19 lands or lots affected are located.

20 (2) The county surveyor of each county in which the lands or lots
 21 affected are located.

22 (3) Each plan commission, if any, that lost or gained jurisdiction
 23 over the disannexed territory.

24 (4) The township trustee of each township that lost or gained
 25 jurisdiction over the disannexed territory.

26 (5) The sheriff of each county in which the lands or lots affected
 27 are located.

28 (6) The office of the secretary of state.

29 **(7) The office of census data established by IC 2-5-1.1-12.**

30 The county auditor may require the clerk of the municipality to furnish
 31 an adequate number of copies of the list of disannexed lots or lands or
 32 may charge the clerk a fee for photoreproduction of the list.

33 (d) A disannexation described by this section takes effect upon the
 34 clerk of the municipality filing the order with:

35 (1) the county auditor of each county in which the annexed
 36 territory is located; and

37 (2) the circuit court clerk, or if a board of registration exists, the
 38 board of each county in which the annexed territory is located.

(e) The clerk of the municipality shall notify the office of the secretary of state **and the office of census data established by IC 2-5-1.1-12** of the date a disannexation is effective under this chapter.

(f) A disannexation order under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A disannexation order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

SECTION 40. IC 36-4-3-22, AS AMENDED BY P.L.14-2000, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) The clerk of the municipality shall do the following:

(1) File each annexation ordinance against which a remonstrance or an appeal has not been filed during the period permitted under this chapter or the certified copy of a judgment ordering an annexation to take place with **each of the following:**

(A) The county auditor of each county in which the annexed territory is located.

(B) The circuit court clerk of each county in which the annexed territory is located.

(C) If a board of registration exists, the registration board of each county in which the annexed territory is located. ~~and~~

(D) The office of the secretary of state.

(E) The office of census data established by IC 2-5-1.1-12.

(2) Record each annexation ordinance adopted under this chapter in the office of the county recorder of each county in which the annexed territory is located.

(b) The copy must be filed and recorded no later than ninety (90) days after:

(1) the expiration of the period permitted for a remonstrance or appeal; or

(2) the delivery of a certified order under section 15 of this chapter.

(c) Failure to record the annexation ordinance as provided in subsection (a)(2) does not invalidate the ordinance.

(d) The county auditor shall forward a copy of any annexation

1 ordinance filed under this section to the following:

2 (1) The county highway department of each county in which the
3 lots or lands affected are located.

4 (2) The county surveyor of each county in which the lots or lands
5 affected are located.

6 (3) Each plan commission, if any, that lost or gained jurisdiction
7 over the annexed territory.

8 (4) The sheriff of each county in which the lots or lands affected
9 are located.

10 (5) The township trustee of each township that lost or gained
11 jurisdiction over the annexed territory.

12 (6) The office of the secretary of state.

13 **(7) The office of census data established by IC 2-5-1.1-12.**

14 (e) The county auditor may require the clerk of the municipality to
15 furnish an adequate number of copies of the annexation ordinance or
16 may charge the clerk a fee for photoreproduction of the ordinance. The
17 county auditor shall notify the office of the secretary of state **and the**
18 **office of census data established by IC 2-5-1.1-12** of the date that the
19 annexation ordinance is effective under this chapter.

20 (f) The county auditor shall, upon determining that an annexation
21 ordinance has become effective under this chapter, indicate the
22 annexation upon the property taxation records maintained in the office
23 of the auditor.

24 SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE
25 JULY 1, 2001]: IC 3-7-22-7; IC 3-7-31-6.

(Reference is to SB 267 as printed March 2, 2001.)

and when so amended that said bill do pass.

Representative Kromkowski